

PSJ11 CVS Opp Exh 27

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF OHIO  
3           EASTERN DIVISION  
4                   -   -   -  
5

6           IN RE:    NATIONAL                   :   HON. DAN A.  
7           PRESCRIPTION OPIATE           :   POLSTER  
8           LITIGATION                   :     
9   :     
10          APPLIES TO ALL CASES           :   NO.  
11   :   1:17-MD-2804  
12   :     
13

14                   - HIGHLY CONFIDENTIAL -  
15

16          SUBJECT TO FURTHER CONFIDENTIALITY REVIEW  
17   -   -   -  
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19                   July 19, 2018  
20   -   -   -  
21

22                   Videotaped deposition of  
23          MICHAEL ORIENTE, taken pursuant to  
24          notice, was held at the law offices of  
Weitz & Luxenberg, 700 Broadway, New York  
New York, beginning at 9:01 a.m., on the  
above date, before Michelle L. Gray, a  
Registered Professional Reporter,  
Certified Shorthand Reporter, Certified  
Realtime Reporter, and Notary Public.  
25   -   -   -  
26

27                   GOLKOW LITIGATION SERVICES  
28          877.370.3377 ph | 917.591.5672 fax  
29                   deps@golkow.com  
30  
31  
32

1 placed the order above their threshold,  
2 true?

3 A. Yes.

4 Q. And so if pharmacy X,  
5 Miller's Pharmacy on Main Street in  
6 Cleveland, Ohio, breached their  
7 threshold, you're getting ahold of  
8 Miller's Pharmacy on Main Street in  
9 Cleveland, Ohio, that ordered over their  
10 threshold. Right?

11 A. Yes.

12 Q. But if a big chain like CVS  
13 breaches their threshold, the call went  
14 to their corporate headquarters, their  
15 regulatory department, their oversight  
16 department. Correct?

17 A. Yes, I believe that's how it  
18 worked.

19 Q. So if a CVS store in Idaho  
20 places an order above their threshold,  
21 you are calling Providence, Rhode Island.  
22 You are calling the corporate office with  
23 respect to that Level 1 --

24 MS. HENN: Objection to

1 form.

2 BY MR. KENNEDY:

3 Q. -- to find out what's going  
4 on in Idaho, correct?

5 MS. HENN: Objection to  
6 form.

7 THE WITNESS: Right.

8 Because they had -- they perform  
9 their own due diligence internal  
10 regulatory review.

11 BY MR. KENNEDY:

12 Q. Okay. I'm going to write  
13 that down. I got a paper.

14 MS. ROZMAN: We're going to  
15 mark as MCK Oriente 574.

16 MR. KENNEDY: I'm going to  
17 put that up please.

18 (Document marked for  
19 identification as Exhibit  
20 MCK-Oriente-574.)

21 BY MR. KENNEDY:

22 Q. So these national chains,  
23 the big customers, the CVS, they do their  
24 own due diligence, they've got their own

1 regulatory department, correct?

2 A. Yes.

3 Q. And CVS, now that's a  
4 customer that you're doing over  
5 \$10 billion worth of business with,  
6 right?

7 MS. HENN: Objection to  
8 form.

9 THE WITNESS: Again, sir, I  
10 don't know the exact dollar amount  
11 that McKesson does with each  
12 chain.

13 BY MR. KENNEDY:

14 Q. Let me ask you, sir, real  
15 simple question.

16 If you're going to rely upon  
17 somebody like CVS to do the due  
18 diligence, you want to make sure they are  
19 doing a good job, don't you?

20 A. We want to make sure they  
21 are following the requirements  
22 established for them, yes.

23 Q. I mean that's -- you've got  
24 to make sure.

1 A. Yeah, we -- yes.

2 Q. Sir, in 2010, do you  
3 understand CVS paid a \$77 million penalty  
4 in California, do you know that?

5 A. In California, I was not  
6 aware. I knew they did in Florida have  
7 some stores. But I wasn't aware of  
8 California.

9 MR. KENNEDY: 505, please.  
10 5005.

11 MS. ROZMAN: Identified as  
12 MCK --

13 MR. KENNEDY: 5 -- yeah,  
14 5005.

15 MS. ROZMAN: MCK Oriente  
16 535.

17 (Document marked for  
18 identification as Exhibit  
19 MCK-Oriente-535.)

20 BY MR. KENNEDY:

21 Q. Here's -- this is from the  
22 New York Times. "CVS to pay penalty in  
23 methamphetamine case," 2010, New York  
24 Times.